

REMARKS

Reconsideration and reversal of the rejections presented in the Office Action dated May 20, 2005 are respectfully requested in light of the following.

Claims 1-14, and 20-22 are solicited, wherein claims 1, 6, and 20 are presented in independent form. Claims 1 and 6 have been amended to better define and further distinguish the present invention over the cited references. Claims 15 and 16 have been canceled without prejudice, the applicant reserving the right to file continuations and divisionals directed to the subject matter contained therein.

The Examiner has rejected claims 1, 2, 6, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,605,238 to Jacobs (hereinafter "Jacobs"). The Examiner also rejected claims 1, 2, 4, 6-10, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 128,569 to Vallett (hereinafter "Vallett") in view of Jacobs.

In response, claim 1 has been amended to recite, *inter alia*, a first bracket portion configured to be coupled to a wall, and a second bracket portion including an arcuate retaining slot which has an effective length longer than that of the first arcuate arm, thereby permitting movement of the first arcuate arm within the arcuate retaining slot for positioning the support surface in a substantially horizontal position when the wall is not vertical. It is respectfully submitted that neither Jacobs nor Vallett discloses such a structure. Jacobs discloses nothing more than interconnecting shelf slats 95 and 96. There is no suggestion that these shelf slats include a bracket portion configured to be coupled to a wall, much less include an arcuate retaining slot having an effective length longer than a first arcuate arm to facilitate substantially horizontal positioning of the support surface when the wall is not vertical. Further, Vallett fails to disclose an arcuate retaining slot configured to receive an arcuate arm. For at least these reasons, it is respectfully submitted that claim 1, and the claims dependent therefrom, are in condition for allowance.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter with respect to claims 5 and 16, and the allowance of claims 20-22.

Claim 6 has been rewritten to include the subject matter of allowable claim 16. As such, it is respectfully submitted that claim 6, and the claims dependent therefrom, are now in condition for allowance.

In view of the foregoing, it is respectfully submitted that all of the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during reconsideration of this matter.

Respectfully submitted,



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